

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1, 7, and 13 have been amended to include the limitations set forth in claims 2 and 3, 8 and 9, and 14 and 15 respectively, as well as additional limitations. Claims 2, 3, 8, 9, 14, and 15 have been cancelled without prejudice. New dependent claims 19-27 have been added to the case to further protect applicants' invention. Accordingly, claims 1, 4-7, 10-13, and 16-27 are pending in the present application.

Claims 1-18 were rejected by the examiner under the judicially created doctrine of obvious type double patenting. As none of these applications have yet been passed to issue, this rejection is premature under the MPEP. Applicants will submit a terminal disclaimer for any such obvious type claimed subject matter as appropriate after one of the listed patents has issued. Applicants appreciate the examiner raising this issue, and it will be dealt with as required by the PTO practice.

Various sets of claims have been rejected over Salvo et al., ('271) either alone, or in combination with Brinkley et al. ('919). The claims have been amended to obviate these rejections. This rejection, to the extent it applies to the newly amended claims, is respectfully traversed.

The claims, as amended, are directed to a method, system and computer program product for disseminating electronic calendar information in a supply chain where a substantial number of the members of the supply chain are independent entities, current sales data is received from a plurality of outlets of a supply chain, with the data relating to the sale of products by the outlets during a product promotion; then generating a current forecast of

sales of the product during the product promotion based on the data; making changes in the product promotion based at least in part on the current forecast of sales of the product during the promotion and generating an electronic calendar of events at least in part for the product promotion wherein the electronic calendar of events includes the changes; and allowing to a plurality of members of the supply chain access to the electronic calendar of events utilizing a network-based interface. Thus, an electronic calendar of events for a product promotion is updated after and in reaction to receiving current product sales data from a plurality of outlets of a supply chain during an ongoing product promotion and generating a current forecast of sales of the product during the promotion. The purpose of making changes to the product promotion and generating a calendar of events that includes these changes after receiving product sales data and generating the forecast is to allow mid-promotion changes of events in reaction to the current sales data and the updated sales forecast or to adjust based on the cannibalization of other non-promotion items (explicitly covered in dependent claims 19, 22 and 25). For example, based on the volume of product sales data, a calendar for the product promotion may be generated <sup>ex/</sup> to extend the product promotion (sell-off time to get rid of inventory), or cut short the product promotion, or to extend or cut short when the signage (point of presence) for the product promotion can/must be taken down from displays, or to extend the length of time for TV or radio or Web advertising, or to grant a shelf life extension, or to set parameters for salvage. A number of these changes relate to minimizing inventory risk. The provision of access to such a calendar of events can serve as an alert to changes in the product promotion based on the product sales data. Some of the places in the specification that provides a basis for the foregoing may be found at pages 36-42 and 254.

Referring to the cited references, neither reference discloses or suggests the concept of making changes to a product promotion in mid-stream and generating a calendar of events for the product promotion with these changes after receiving and based on product sales data from supply chain outlets and the updated forecast of sales, much less in the claimed combination. Salvo et al. relates to monitoring the inventory amounts in a silo and placing an order to a supplier when necessary. The manufacturing schedule referenced in column 3, line 51, does not relate to or suggest a product promotion schedule. Brinkley et al. discloses selecting a different inventory management strategy for each of a plurality of inventory items. This reference does not relate to generating a calendar of events for a product promotion.

Various other elements in the claims are missing as well. Thus, even if the proposed combination could be made (which it cannot because there is no motivation to combine the teachings of these references into an operable system that meets applicants' claims), the elements of making changes in the product promotion based at least in part on the current forecast of sales of the product during the promotion and generating an electronic calendar of events for a product promotion that includes the changes is missing.

Note that new claim 18, calls for determining based on the data a deviation from a previous forecast and taking an action related to inventory for the products in response to the deviation. The action relating to inventory could be a product order by an outlet or a supply chain manager or a distributor, or the initiation of production by a supplier, for example.

New claim 19 defines the forecasting of sales step to comprise determining a cannibalization of sales of products not a part of the product promotion and then taking an action related to inventory for the products in response to the sales cannibalization, as discussed above. New claim 20 defines the forecasting of sales step to comprise determining an increase of sales of products not a part of the product promotion and then taking an action related to inventory for the products in response to the increase in sales. Comparable dependent claims in system and computer program product format are also provided.

In view of the foregoing amendments and remarks reconsideration of the present rejection is requested and an early passage to issue of the case is solicited.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

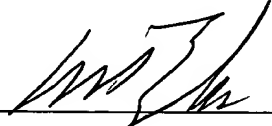
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16–1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/17/04

By 

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